

**U.S. DISTRICT COURT  
N.D. OF N.Y.  
FILED**

UNITED STATES DISTRICT COURT

FEB 27 2006

NORTHERN DISTRICT OF NEW YORK

Case: **04-cv-1193**

**LAWRENCE K. BAERMAN, CLERK**

**ALBANY**

(LEK/RFT)

LOEBER et.al.

Plaintiffs}

v.

SPARGO et.al..

Defendants.

-----X

**FORJONE DECLARATION IN SUPPORT OF PLAINTIFFS' NOTICE OF CROSS  
MOTION FOR CHANGE OF VENUE TO JURISDICTION OF  
WDNY 06-CV-00080 CASE FORJONE et.al. v.. CALIFORNIA et.al. in RESPONSE  
IN OPPOSITION TO THE MOTION TO DISMISS THE AMENDED COMPLAINT  
BY THE U.S. DEPARTMENT OF JUSTICE and DEFENDANTS MAYOR  
MICHAEL BLOOMBERG AND THE CITY OF NEW YORK ABSENT  
ESSENTIAL MUNICIPAL PARTIES**

**Accordingly**, I, John Joseph Forjone, declare and certify under penalty of perjury:

1. Am pro se without being an attorney, with my place for service at P.O. Box 28 Clarendon New York 14429 with phone number (585) 721-7673 and email medicaidtaxlevy@yahoo.com.

2. As a Plaintiff herein I hereby make this declaration affidavit in support of PLAINTIFFS' NOTICE OF CROSS MOTION FOR CHANGE OF VENUE TO JURISDICTION OF WDNY 06-CV-00080 CASE FORJONE et.al. V. CALIFORNIA et.al. pursuant to Local Rule 7.1, Fed. R. Civ. P. 19(a), in response to the Motion to Dismiss by separate notice of the U.S. Department of Justice filed February 10, 2006 shown as Docket #64 (a copy of the notice herewith marked **EXHIBIT A**) and Defendant the city of New York filed February 17, 2005 shown as Docket #65 (a copy of the Notice herewith marked **EXHIBIT B**) the First MOTION to Dismiss Motion Hearing set for

4/7/2006 09:30 AM in Albany before Judge Lawrence E. Kahn with Response to Motion due by 3/21/2006 Reply to Response to Motion due by 3/27/2006, and both motions are without essential parties to this case herein, with Plaintiffs response due February 28, 2006 and return date of March 17, 2006 and DOJ reply date March 6<sup>th</sup> 2006.

3. That I am a party in the referenced case **WDNY 06-CV-00080 FORJONE et.al. v. CALIFORNIA et.al.**, .

4. That I am a pro se Plaintiff Co-chairman of ***The AD HOC New York State Citizens for Constitutional Legislative Redistricting*** statewide redistricting case ***Loeber et.al. v. Spargo et.al.***

5. That pro se plaintiff John Joseph Forjone and Christopher Earl Strunk in case WDNY 06-CV-00080 ***FORJONE et.al. v. CALIFORNIA et.al.***, are the co-chairmen members of ***The AD HOC New York State Citizens for Constitutional Legislative Redistricting*** statewide redistricting case ***Loeber et.al. v. Spargo et.al.***

6. That I am a pro se Plaintiff Co-chairman of ***AD HOC NYS People for Bottom-up Suffrage and Intrastate / Interstate HAVA Funds Distribution Equity*** in WDNY 06-CV-00080 ***FORJONE et.al. v. CALIFORNIA et.al.***, with service duly effected upon Defendants on February 21, 2006.

7. That in the context of this supporting declaration I have given due notice to all pro se Plaintiffs who are members of ***The AD HOC New York State Citizens for Constitutional Legislative Redistricting*** of my intent to support the cross motion for change of venue and as such believe all are in unanimous agreement and give consent accordingly.

8. That in addition to the above cases I am a pro se plaintiff in the case ***Forjone et.al. v. Leavitt et.al.*** WDNY 05-cv-395 with a *jus tertii* class ***The AD HOC NEW***

***YORK STATE CITIZENS for Federal, State, Municipal Corporation Equitable Means and Needs Testing for The Annual Medicaid Real Property Tax Levy***

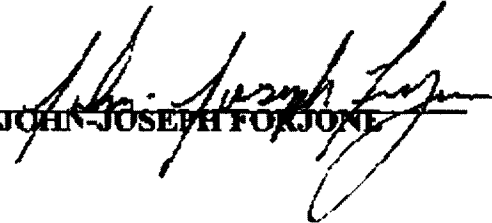
9. That in Forjone v. Leavitt there are motions pending one of which is to supplement the complaint with additional transactions and plaintiffs since October 6, 2005 before the Honorable Magistrate Judge Hugh B. Scott acting for the Honorable Chief Judge Richard J. Arcara therein requesting a three Judge Panel under 28 USC 2284 in the matter of unequal provision of plain speedy and efficient remedy in the matter of the Judicial Districts of the state of New York as a statewide redistricting issue raised herein the Loeber v. Spargo complaint especially Cause of Action Seven, having been ignored by the NDNY Court.

10. That I similarly have a pending response due February 28, 2006 in the Forjone et.al. v. Leavitt et.al. as a result of a motion to dismiss filed by the US DOJ in the matter of its default by failure to answer to the summons and complaint therein.

**WHEREFORE**, Co-chairman prays of the Court for relief herein per FRCvP Rule 19(a) requesting as of right that the entire *jus tertii* class of *The AD HOC New York State Citizens for Constitutional Legislative Redistricting* statewide redistricting case Loeber et.al. v. Spargo et.al. NDNY 04-cv-1193, be granted a change of Venue to the Western District of New York under the discretion of the Honorable Chief Judge Richard J. Arcara WDNY for further adjudication by that Court for plain speedy with efficient remedy for actual justice under FRCvP accordingly, and I that Defendants Motion be deemed premature without the necessary parties joined, and for differently and further relief that this court deems necessary including but not limited to severance of necessary parties and or issues to WDNY and or EDNY, and minimally Your Honor's recusal per 28 USC 455.

The Foregoing is certified and declared to be true and correct under penalty of perjury by:

Dated: February 26<sup>th</sup>, 2006  
Clarendon, New York

  
~~JOHN JOSEPH FORJONE~~